

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA	)	CR No.: 3:06-61-JFA
	)	
v.	)	ORDER
	)	
JEROME HENDRIX	)	
_____	)	

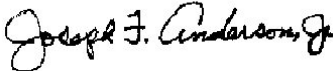
The defendant has filed a second motion under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u).

The defendant's first motion was denied by this court in an order filed February 7, 2012 (ECF No. 1247). In that order, the court indicated that the defendant was sentenced to the statutory mandatory minimum sentence of 240 months imprisonment for his conviction relating to crack cocaine. While the defendant was afforded relief under Rule 35(b) for a new sentence of 135 months, any possible reductions under Amendment 750 result in the same guideline range for the defendant. Therefore, as Amendment 750 did not lower defendant's guideline range, it does not apply and any guideline changes cannot alter the ultimate statutory floor of 20 years imprisonment set by Congress.

For the reasons set forth in the court's February 7, 2012 order, the defendant's second motion (ECF No. 1330) is denied.

IT IS SO ORDERED.

May 28, 2013  
Columbia, South Carolina

  
Joseph F. Anderson, Jr.  
United States District Judge